

-----Original Message-----

From: Cbhubbell@aol.com

To: MarquardHenry@stanleygroup.com; Skheath@aol.com; SMMorrow1@yahoo.com

Sent: Tue, 3 Jun 2008 3:52 pm

Subject: Re: Clarification

Interesting that the Commission back in 1986 thought for sure they were adopting a rule that required only the **majority of those present, once a quorum had been reached**, to concur on an issue. The DNR seems to be ratcheting up the ante for us to have to come up with more and more votes to take action. The possibility of **inaction** is therefore much higher. I'm not sure I like the proposed rule change either. Maybe we should make it clear that we are only requiring those **appointed** members **who are present** at a meeting to take action. I think the court in the CDI case interpreted it the way they did because the language in the rule was so vague. And it was the interpretation the agency was urging. Not sure whether the Commission took a position. For all I know it has been the DNR's interpretation for some time that the majority of all (appointed) members of the Commission is required. I wonder who made that decision?

Charlotte

-----Original Message-----

From: cbhubbell@aol.com

To: Jon.Tack@dnr.state.ia.us

Sent: Tue, 3 Jun 2008 3:02 pm

Subject: emergency rulemaking

Jon,

Does DNR have its own rules regarding emergency rulemaking? I have looked in Ch 17A.4(2) which discusses when the notice and public participation requirements are unnecessary. But I don't see the three categories referred to in your memo that was handed out when we became Commissioners - double barrel, emergency with notice, emergency final rule.

Thanks.

Charlotte